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Date: June 22, 2006

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<b>Fax:</b>	<b>571 273 8300</b>	<b>Our Ref.:</b>	<b>BASF.10025</b>
<b>Your Ref.:</b>	<b>10/532,164</b>	<b>No. Pages:</b>	<b>10 (incl. this page)</b>

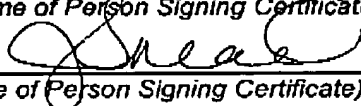
**Comments:**

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office facsimile number 571 273 8300 on this the 22nd day of June 2006.

**Documents enclosed:**

Request for Corrected Notification of Acceptance of Application under 25 U.S.C. and 37 C.F.R. 1. 495	2 pages
Copy of Notification of Acceptance Dated September 27, 2005	2 pages
Copy of Decision on Petition	2 pages
Copy of Notification of Acceptance dated May 8, 2006; with letter of withdrawal of previous notice	3 pages

Jennie Snead  
(Typed Name of Person Signing Certificate)

  
(Signature of Person Signing Certificate)

Date of Signing: June 22, 2006

Patent  
Attorney Docket No. BASF.10025

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Clark D. KLEIN, et al.	Group Art Unit: 3643
Application No.: 10/532,164	Examiner: Bethany L. Griles
Filing Date or 371(c) Date: August 18, 2005	Confirmation No.: 8330
Title: Termite-Monitoring Device and Associated Method	

**REQUEST FOR CORRECTED  
NOTIFICATION OF ACCEPTANCE  
OF APPLICATION UNDER 35 U.S.C. AND 37 C.F.R. 1.495**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The U.S. Patent and Trademark Office issued a Notification of Acceptance of Application under 35 U.S.C. and 37 C.F.R. 1.495, on September 27, 2005, a copy of which is enclosed. The Notification incorrectly identified the date of submission of the Declaration and, thus, the date of completion of the 35 U.S.C. 371 requirements. Applicants filed a Petition for Correction of 371(c) Date Under 37 C.F.R. § 1.10, which petition was granted by the Patent Office. Thus, the date of submission of the Declaration to complete the 35 U.S.C. 371(c) requirements has now been accorded the correct date of August 18, 2005. A copy of the Decision is enclosed.

Apparently, in accordance with the Decision on Petition, the Patent Office issued a corrected Notification of Acceptance of Application under 35 U.S.C. and 37 C.F.R. 1.495, on May 8, 2006, including a letter of withdrawal of the previously sent Notice. The corrected Notice of Acceptance mailed May 8, 2006, correctly identifies the 371(c) date as August 18, 2005. However, the Patent Office has, in error, changed all the dates in the listing of items received in the application to August 18, 2006.

The following dates should have been changed pursuant to the Decision on Petition:

- 1) Date of Receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements
- 2) Date of Completion of all 35 U.S.C. 371 Requirements
- 3) Oath or Declaration filed on \_\_\_\_\_; and
- 4) Assignment filed on \_\_\_\_\_.

The remaining dates should have remained unchanged from the original Notification of Acceptance, since the initially filed national stage documents were filed April 20, 2005.

Application No. 10/532,164  
Filing Date or 371(c) Date: August 18, 2005

Attorney Docket No. BASF.10025  
Page 2 of 2

Applicants respectfully request that the attached marked-up copy of the Notification of Acceptance dated May 8, 2006, be reviewed and corrected to accurately identify the dates of the items received in the application.

The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-3218.

Respectfully submitted,

HUTCHISON LAW GROUP PLLC

Date: June 22, 2006

By: Mary B. Grant  
Mary B. Grant  
Registration No. 32,176

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 22, 2006

Jennie Snead  
(Typed Name of Person Signing Certificate)

Jennie Snead  
(Signature of Person Signing Certificate)

Date of Signing: June 22, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

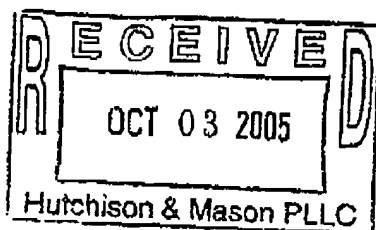
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[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/532,164	Clark D. Klein Jr	BASF.10025

INTERNATIONAL APPLICATION NO  
PCT/EP03/11825

I.A. FILING DATE	PRIORITY DATE
10/24/2003	10/25/2002

45473  
HUTCHISON & MASON PLLC  
PO BOX 31686  
RALEIGH, NC 27612



**CONFIRMATION NO. 8330**

### 371 ACCEPTANCE LETTER



Date Mailed: 09/27/2005

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>08/15/2005</u> <sup>08/18/2005</sup> DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	<u>08/15/2005</u> <sup>08/18/2005</sup> DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS
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A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** *The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363).* Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 04/20/2005
- Copy of the International Search Report filed on 04/20/2005
- Copy of IPE Report filed on 04/20/2005
- Preliminary Amendments filed on 04/20/2005
- Information Disclosure Statements filed on 04/20/2005
- Oath or Declaration filed on 08/15/2005 08/18/2005
- U.S. Basic National Fees filed on 04/20/2005
- Assignment filed on 08/15/2005 08/18/2005
- Priority Documents filed on 04/20/2005
- Specification filed on 04/20/2005
- Claims filed on 04/20/2005

Correct dates are handwritten

- Abstracts filed on 04/20/2005
- Drawings filed on 04/20/2005

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EQ/903 (371 Acceptance Notice)



## UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 31686  
RALEIGH, NC 27612

APR 24 2006

Hutchison Law Group

In re Application of:

KLEIN, et al.

U.S. Application No.: 10/532,164

PCT No.: PCT/EP2003/011825

International Filing Date: 24 October 2003

Priority Date: 25 October 2002

Atty Docket No.: BASF.10025

For: TERMITE-MONITORING DEVICE  
AND ASSOCIATED METHOD

DECISION ON PETITION

This decision is issued in response to the "Petition For Correction Of 371(c) Date Under 37 CFR 1.10" filed 16 March 2006, treated herein under 37 CFR 1.10(c). No petition fee is required.

**BACKGROUND**

On 24 October 2003, applicants filed international application PCT/EP2003/011825. The application claimed a priority date of 25 October 2002 and designated the United States. On 06 May 2004, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 25 April 2005.

On 20 April 2005, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

In August 2005, applicants filed a second submission that included an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date.

On 27 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying 15 August 2005 as the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" and the "Date Of Completion Of All 35 U.S.C. 371 Requirements." On the same date, a filing receipt was issued identifying 15 August 2005 as the 371(c) date.

On 16 March 2006, applicants filed the petition considered herein. The petition asserts that the declaration herein was filed on 18 August 2005, not 15 August 2005, and that the correct date under 35 U.S.C. 371(c) is therefore 18 August 2005.

Application No. 10/532,164

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### DISCUSSION

Applicants' second submission herein, which contained the declaration required to complete the 35 U.S.C. 371(c) requirements, included a Form PTO-1390 transmittal letter. This transmittal letter included a certification of mailing by "Express Mail" that identified the "Express Mail" label number (EV613033851US) and the deposit date (18 August 2005). The present petition includes a copy of "Express Mail" label number EV613033851US; this label bears a "date in" of 18 August 2005. In addition, the USPS tracking database confirms that the USPS accepted this "Express Mail" envelope on 18 August 2005.

Based on applicants' statements in the present petition, the "date in" on the "Express Mail" label, and the USPS tracking data, it is concluded that the second submission filed by applicants herein (including the declaration required to complete the 35 U.S.C. 371(c) requirements) was deposited with the USPS as "Express Mail" on 18 August 2005. Pursuant to 37 CFR 1.10(c), these materials are properly accorded a filing date of 18 August 2005.

### CONCLUSION

Applicants' petition under 37 CFR 1.10(c) is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 27 September 2005 are hereby **VACATED**.

The National Stage Processing Branch of the Office of PCT Operations will be instructed to issue a corrected Notification of Acceptance (Form PCT/DO/EO/903) properly identifying 18 August 2005 as the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" and the "Date Of Completion Of All 35 U.S.C. 371 Requirements."

In addition, a corrected filing receipt will be issued that correctly identifies the 35 U.S.C. 371(c) date as 18 August 2005.



Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3296  
Facsimile: (571) 273-0459



## UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/532,164	Clark D. Klein Jr	BASF.10025

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MAY 10 2006

Hutchison Law Group

INTERNATIONAL APPLICATION NO.

PCT/EP03/11825

I.A. FILING DATE

10/24/2003

PRIORITY DATE

10/25/2002

CONFIRMATION NO. 8330

371 ACCEPTANCE LETTER

\*OC000000018714814\*

Date Mailed: 05/08/2006

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

08/18/2005	08/18/2005
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 08/18/2005 04/20/2005
- Copy of the International Search Report filed on 08/18/2005 04/20/2005
- Copy of IPE Report filed on 08/18/2005 04/20/2005
- Preliminary Amendments filed on 08/18/2005 04/20/2005
- Information Disclosure Statements filed on 08/18/2005 04/20/2005
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- U.S. Basic National Fees filed on 08/18/2005 04/20/2005
- Assignment filed on 08/18/2005
- Priority Documents filed on 08/18/2005 04/20/2005
- Specification filed on 08/18/2005 04/20/2005
- Claims filed on 08/18/2005 04/20/2005

Errors are shown  
underlined

Correct dates are  
hand written



- Abstracts filed on 08/18/2005 04/20/2005
- Drawings filed on 08/18/2005 04/20/2005

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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DONNA S GREENE

Telephone: (703) 308-9140 EXT 222

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FORM PCT/DO/EO/903 (371 Acceptance Notice)



## UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 10 2006

Hutchison Law Group

INTERNATIONAL APPLICATION NO.	
PCT/EP03/11825	
I.A. FILING DATE	PRIORITY DATE
10/24/2003	10/25/2002

CONFIRMATION NO. 8330

371 WITHDRAWAL NOTICE

10/24/2003 10/25/2002 PCT/EP03/11825  
\*OC000000018714781\*

Date Mailed: 05/08/2006

**WITHDRAWAL OF PREVIOUSLY SENT NOTICE**

It has come to the attention of the Office that the Notice mailed on 09/27/2005 was sent in error. Please disregard that Notice. The application is complete and will be processed for examination. The Official Filing Receipt is enclosed. We apologize for any inconvenience this has caused.

DONNA S GREENE

Telephone: (703) 308-9140 EXT 222

PART 1 - ATTORNEY/APPLICANT COPY